

REMARKS

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 1-26 were rejected. New claims 27 and 28 are added. Claims 1-28 are pending. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. No new matter has been added.

Rejections Under 35 U.S.C. §101

Claims 11-19 were rejected under 35 U.S.C. §101 for failing to clearly define the claimed invention as a tangible embodiment. Without admitting the propriety of the rejection, Applicant amended the claim to include the limitation of “contained on a computer readable memory”, as suggested by the examiner.

Double Patenting Rejections

Claims 1, 3-6, 9, 11, 13-16, 19 and 21-26 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 and 18-28 of U.S. Patent No. 6,636,590. Applicant respectfully disagrees.

Claims 1-15 and 18-28 of U.S. Patent No. 6,636,590 do not recite the feature of “wherein the list includes one or more descriptions received from the one or more service providers”.

Further, without admitting the propriety of the rejection, Applicant respectfully submits that upon an indication of allowed claims a terminal disclaimer could be submitted to overcome the obviousness-type double patenting rejection.

Rejections Under 35 U.S.C. §112

Claims 8, 18, and 26-28 were rejected under 35 U.S.C. §112 for failing to disclose the feature “not a selection from an option list”. Applicant respectfully disagrees.

Applicant respectfully requests the Examiner consider the following example, disclosed in Paragraph [00064] on page 18 of the specification.

Michael is a management consultant building a regression model on Excel for a large clothing retailer. At midnight in the office, he is having trouble analyzing his spreadsheet. Looking to receive help, he dials the 1-800 number of the subject system. He is prompted by the system to indicate the area of service he desires. He speaks the words, "Computer Help," which are recognized by the system's voice-recognition software. The system has several thousand computer-help service providers to choose from, so Michael specifies his needs by speaking the words, "regression models and analysis."

The system has about 50 service providers who are "On Call" to receive customers regarding regression models and analysis. Michael then indicates the price and quality he desires by speaking the words, "one dollar per minute or less" and "with a three-star quality rating or above." The system uses these parameters to fine only those service providers who fit within this price and quality range and can presently receive customers regarding regression models and analysis--there are four. The system relays the descriptions of the four service providers to Michael. He selects Danielle by speaking the words, "Connect Me." (Paragraphs 00064-00065, page 18, the specification of the present application)

For example, the search criteria "one dollar per minute or less" and "with a three-star quality rating or above" as spoken by Michael is not a selection from an option list.

Further, for example, paragraphs 00041-00042 of the specification show that "the service seeker is presented the option to browse available fields of service ... Alternatively, the seeker indicates which types of service he would like to receive by speaking the name of profession, such as "psychiatrist," ... Otherwise, the user 102 can listen to a series of professions and press the numerical keypad to select one." From this description, one understands that at least in the alternative embodiment, the seeker can specify the types of service by speaking the name of profession without listening to a series of professions to press the numerical keypad to select one and without browsing available fields of service.

Further, for example, paragraphs 00063-00064 of the specification shows that “Danielle provides her telephone number and a description of her abilities, which include regression models and statistical analysis. so Michael specifies his needs by speaking the words “regression models and analysis”. From this description, one understands that the criterion “regression models and analysis” is not a selection from an option list.

Thus, at least some embodiments of the disclosure include the feature of “not a selection from an option list”. The withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

Rejections Under 35 U.S.C. §102(e): Rothschild

Claims 1, 11, 21-23 and 26 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0003867 (hereinafter “Rothschild”). Applicant respectfully disagrees.

Applicant respectfully submits that the pending claims recites “wherein the list includes one or more descriptions received from the one or more service providers” or equivalent. For example, claim 1 recites:

1. (Currently Amended) A method comprising:
receiving one or more search criteria in an audio form, via an audio transmission medium, from a user, the one or more search criteria including a field of service desired by the user;
searching a service provider database according to the one or more search criteria to generate a list of one or more service providers;
presenting the list of one or more service providers in an audio form to the user, wherein the list includes one or more descriptions received from the one or more service providers;
determining a selection of the user for a selected service provider from the list of one or more service providers; and

connecting the user with the selected service provider for a live conversation via the audio transmission medium.

Since Rothschild does not disclose presenting descriptions that are received from the one or more service providers to facilitate the selection by the customer, Rothschild does not anticipate claims 1, 11 and 21 and their dependent claims at least for the above discussed reasons.

Rejections Under 35 U.S.C. §102(e): Levin

Claims 1, 11, 21, 22, 25, 27 and 28 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,173,279 (hereinafter “Levin”). Applicant respectfully disagrees.

Levin does not disclose presenting descriptions that are received from the one or more service providers to facilitate the selection by the caller. Thus, Levin does not anticipate claims 1, 11 and 21 and their dependent claims at least for the above discussed reasons.

Rejections Under 35 U.S.C. §103(a)

Claims 9 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rothschild in view of U.S. Patent No. 6,658,389 (hereinafter “Alpdemir”). Applicant respectfully disagrees.

Claim 9, for example, recites:

9. (Currently Amended) The method of claim 1, wherein following the connecting the user with the selected service provider, the method further comprises:
responsive to completion of the live conversation between the user and the selected service provider, prompting the user for a quality of service rating for services rendered by the service provider; and recording the service rating provided by the user in the service provider database.

In Alpdemir, a consumer user calls back *later* in a separate call to provide feedback. For example, Alpdemir shows

“a consumer user having been referred to a restaurant using inventive system can later call in using a toll-free or free local phone number and provide feedback, such as in the form of a rating, relative to their experience.” (Col. 11, lines 64-67, Alpdemir).

Alpdemir does not disclose “responsive to completion of the live conversation between the user and the selected service provider, prompting the user for a quality of service rating for services rendered by the service provider”.

Thus, even if Alpdemir and Rothschild were combined, the resulting system would be different from what is claimed in claim 9. The combined system would not prompt the user in a way recited in the claim. Thus, without admitting the propriety of combining Rothschild and Alpdemir in a way presented in the Office Action, Applicant respectfully submits that claims 9 and 19 are patentable over the combination of Rothschild and Alpdemir.

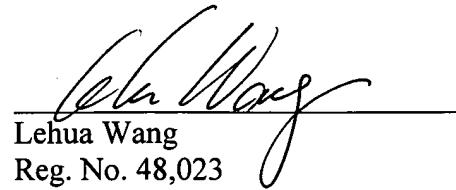
Claims 2, 7, 8, 10, 12, 17, 18, 20 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rothschild in view of U.S. Patent No. 5,901,214 (hereinafter “Shaffer”). Claims 3-6, 13-16 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rothschild. Claims 2, 7, 8, 10, 12, 17, 18 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Levin. Applicant respectfully disagrees.

The additional references cited in the rejection of the dependent claims do not disclose presenting the list with descriptions that are received from the one or more service providers to facilitate the user selection. Thus, at least for the reasons discussed above in connection with the independent claims, the dependent claims are also patentable over the cited references.

CONCLUSION

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,


Lehua Wang
Reg. No. 48,023

Date: July 10, 2006

GREENBERG TRAURIG, LLP
CUSTOMER NUMBER 56188
1900 University Avenue, Fifth Floor
East Palo Alto, CA 94303
Phone: (650) 328-8500
Fax: (650) 328-8508
E-Mail: wangl@gtlaw.com